

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JAMES O'DONNELL,,

Plaintiff,

18 **CIVIL** 6414 (ER)

-against-

JUDGMENT

THE PEOPLE OF THE STATE OF NEW YORK,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated May 25, 2023, the Court adopts Magistrate Judge Freemans R&R in its entirety, and O'Donnell's petition for a writ of habeas corpus is DENIED. As O'Donnell has not made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c); see also, e.g., *Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 44445 (1962); accordingly, the case is closed.

Dated: New York, New York
May 26, 2023

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk